

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

JULIO J. VALDEZ,

Petitioner,

Case No. 3:05 CV 7132

-vs-

UNITED STATES OF AMERICA,

MEMORANDUM OPINION
AND ORDER

Respondent.

KATZ, J.

Petitioner, Julio J. Valdez, (hereinafter “Valdez or “Petitioner”) acting *pro se*, previously filed a motion pursuant to 28 U.S.C. § 2255 to vacate, set aside or correct his sentence. This Court issued a Memorandum Opinion and Order on June 10, 2005. (Doc. No. 5). That motion was denied. Subsequent to the filing of that order, Valdez filed a 34 page reply memorandum with exhibits attached.

That memorandum rehashes, restates and expands upon the arguments contained in the original motion of Valdez as to which the Government has previously responded and the Court has considered. After studying the reply memorandum, the Court finds nothing new which would militate in favor of granting the initial motion in this case. Therefore, for the reasons stated in the Memorandum Opinion and Order of June 10, 2005 and as well set forth in the Government’s brief in opposition to the motion, the Petitioner’s motion is denied.

In reviewing all of the aspects of the petitioner’s motion, most of which have already been ruled upon by the Sixth Circuit Court of Appeals on direct appeal, and the balance of which have no

applicability to the case at bar, this Court will has determined that a certificate of appealability should not issue in this case.

IT IS SO ORDERED.

s/ David A. Katz
DAVID A. KATZ
SENIOR U. S. DISTRICT JUDGE